

MINUTES OF THE NHSLC
BUREAU OF ENFORCEMENT & LICENSING AGENDA FOR
WEDNESDAY, MARCH 4, 2009

1. SUSPENSIONS:

a. Action Pending:

None

b. Licensees Suspended For Non-Payment of Fines:

None

c. Licensees Suspended For Non-Compliance of RSA 178:2 (Mandatory training within 45 calendar days of the issuance of liquor license):

None

2. LICENSEES WHO MAY BE ORDERED TO A HEARING:

None

3. HEARINGS SCHEDULED FOR WEDNESDAY, MARCH 4, 2009:

None

4. HEARINGS SCHEDULED:

- a. March 12, 2009 @ 10:30 a.m.
NHSLC - Robert J. Hart Building, 50 Storrs Street, Concord, NH.
McGarvey's, 1097 Elm Street, Manchester, NH.
Restaurant Full Service With Lounge License #1178903.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: August 29, 2008.
Case #: 08-616-OF.
- b. March 24, 2009 @ 10:00 a.m.
NHSLC - Robert J. Hart Building, 50 Storrs Street, Concord, NH.
Chen Yang Li, 520 South Street, Bow, NH.
Restaurant Full Service With Lounge License #1233303.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Cited for violation of RSA 179:50, I - did allow a person to loiter on the premises who was intoxicated or disorderly or who loitered for any illegal purpose.
Date of violations: August 13, 2008.
Case #: 08-581-OF.
LICENSEE'S MOTION TO CONTINUE GRANTED ON FEBRUARY 11, 2009.

5. HEARINGS WITH DATES TO BE DETERMINED:

None

6. WARNING LETTERS/FINES:

- a. Cannon Mountain View Above the Notch Restaurant.
729 Main Street, Franconia, NH.
Restaurant Full Service With Lounge License #1271203.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: August 31, 2008.
Case #: 08-641-OF.
Recommendation: \$500 Administration fine, four (4) points assessed to the liquor license, and a three (3) day suspension of liquor license held in abeyance for twelve (12) months pending no like violation.
COMMISSION APPROVED
- b. Common Man, Main Street, Ashland, NH.
Restaurant Full Service With Lounge License #301203.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: November 21, 2008.
Case #: 08-796-OF.
Recommendation: \$500 Administration fine, four (4) points assessed to the liquor license, a three (3) day suspension of liquor license held in abeyance for twelve (12) months pending no like violation and mandatory attendance at a Total Education in Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for the bartender who committed the violation.
COMMISSION APPROVED

7. NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. Anything To Go, 565 Islington Street, Portsmouth, NH.
Combination License #3201147.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - sold to a minor during a compliance check.
Date of violation: February 19, 2009.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED
- b. Billy's Sports Bar and Grill, 34 Tarrytown Road, Manchester, NH.
Full Service Restaurant License #1190303.
Licensed under RSA 178:21, II(a).
Cited for violation of RSA 179:31, XI - did advertise alcoholic beverage by means of a billboard (Happy Hour Advertising).
Date of violation: February 21, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED
- c. C and A Pizza, 17 Lebanon Street, Hanover, NH.
Restaurant Beverage and Wine License #1001503.
Licensed under RSA 178:20.
Cited for violation of Liq. 704.01(b)(6) - did fail to renew liquor license at least 30 days prior to expiration of the current license.
Date of violation: February 2, 2009.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED

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- d. Canal Street Pizza & Restaurant, 25 Canal Street, Nashua, NH.
Full Service Restaurant License #1269503.
Licensed under RSA 178:21, II(a).
Cited for violation of RSA 179:35 - did fail to retain invoices on the premise and have them readily available for examination by the Commission.
Cited for violation of RSA 179:40 - did refill bottles of legally purchased alcoholic beverage.
Date of violations: February 9, 2009.
ADMINISTRATIVE FINE \$500 PAID.
COMMISSION APPROVED
- e. Circle K, 2470 Lafayette Road, Portsmouth, NH.
Combination License #3223447.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - sold to a minor during a compliance check.
Date of violation: February 19, 2009.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED
- f. Concord Grill, 1 Eagle Square, Concord, NH.
Restaurant Full Service With Lounge License #1353703.
Licensed under RSA 178:22, V(q).
Cited for violation of Liq. 704.01(b)(6) - did fail to renew liquor license at least 30 days prior to expiration of the current license.
Date of violation: January 5, 2009.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED
- g. Flambeaux Bar & Grill, 1181 Elm Street, Manchester, NH.
Restaurant Full Service With Lounge License #1342103.
Licensed under RSA 178:22, V(q).
Cited for violation of Liq. 704.01(b)(6) - did fail to renew liquor license at least 30 days prior to expiration of the current license.
Date of violation: February 3, 2009.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED
- h. Frogtown Cellars, 3300 Damascus Church, Dahlonaga, GA.
Direct Shipper License #8136133.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the November 2008 Direct Shipper Report by December 10, 2008.
Date of violation: December 29, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED
- i. The Governor's Inn, 78 Wakefield Street, Rochester, NH.
Restaurant Full Service With Lounge License #1012703.
Licensed under RSA 178:22, V(q).
Cited for violation of Liq. 704.01(b)(6) - did fail to renew liquor license at least 30 days prior to expiration of the current license.
Date of violation: February 2, 2009.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED

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- j. Jade Dragon, 515 Daniel Webster Highway, Merrimack, NH.
Restaurant Full Service With Lounge License #1341903.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - sold to a minor during a compliance check.
Date of violation: February 20, 2009.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS.
COMMISSION APPROVED
- k. Marquee Selections, 3150 Mercier Street, Kansas City, MO.
Direct Shipper License #8033133.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the November 2008 Direct Shipper Report by December 10, 2008.
Date of violation: December 29, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED
- l. Peter Christian Tavern, 186 Main Street, New London, NH.
Restaurant Full Service With Lounge License #1035003.
Licensed under RSA 178:22, V(q).
Cited for violation of Liq. 704.01(b)(6) - did fail to renew liquor license at least 30 days prior to expiration of the current license.
Date of violation: February 2, 2009.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED
- m. Pizzico Ristorante Italiano, 7 Continental Boulevard, Merrimack, NH.
Restaurant Full Service With Lounge License #1346003.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - sold to a minor during a compliance check.
Date of violation: February 20, 2009.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED
- n. Portsmouth Provisions, 148 State Street, Portsmouth, NH.
Combination License #3184547.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - sold to a minor during a compliance check.
Date of violation: February 19, 2009.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED
- o. VFW Post 8641, 282 Daniel Webster Highway, Merrimack, NH.
Veterans Club License #27839.
Licensed under RSA 178:22, V(h).
Cited for violation RSA 178:22, V(h)/501.05 - members not properly signed in.
Cited for violation of RSA 179:5, I - sold to a minor during a compliance check.
Date of violations: February 20, 2009.
ADMINISTRATIVE FINE \$100 PAID for violation 178:22, V(h)/501.05.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED for violation of RSA 179:5.
COMMISSION APPROVED

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- p. Waterhouse's Country Store, 18 Mammoth Road, Windham, NH.
Combination License #789147.
Licensed under RSA 178:18.
Cited for violation of Liq. 704.01(b)(6) - did fail to renew liquor license at least 30 days prior to expiration of the current license.
Date of violation: February 3, 2009.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED

8. NEW LICENSES:

None

9. REQUESTS FOR SOLICITORS/REPRESENTATIVE AND DIRECT SHIPPER APPLICATION:

- a. Aurielle Vineyards LLC DBA Aurielle Vineyards.
3273 Claremont Way, Suite 209, Napa, CA 94558.
To be issued Direct Shipper License #8143433 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED
- b. Boulder Wine Merchants Ltd. DBA Boulder Wine Merchant.
2690 Broadway, Boulder, CO 80304.
To be issued Direct Shipper License #8143733 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED
- c. Steven Christian and Guadalupe Salvadora Lazo DBA Christian Lazo Winery.
6305 Buena Vista Drive, Paso Robles, CA 93446.
To be issued Direct Shipper License #8143333 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED
- d. Charles Heintz DBA Dutch Bill Creek Vineyard.
3280 Harrison Grade Road, Sebastopol, CA 95472.
To be issued Direct Shipper License #8143133 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED
- e. Falcor Wine Cellars LLC DBA Falcor Winery.
2511 Napa Corporate Drive, Suite 115, Napa, CA 94558.
To be issued Direct Shipper License #8143633 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED
- f. Hamilton Oaks Vineyard and Winery, Inc. DBA Hamilton Oaks Vineyard.
31111 Hamilton Trail, Trabuco Canyon, CA 92679.
To be issued Direct Shipper License #8143233 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED
- g. Jack John Investments, Inc. DBA Long Life Wine Company.
5620 Vineyard Drive, Paso Robles, CA 93446.
To be issued Direct Shipper License #8143833 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED

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- h. Ven-Cal Ranches LLC DBA Saddleback Cellars.
7802 Money Road, Oakville, CA 94562.
To be issued Direct Shipper License #8143533 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED
- i. Salute Wine Market LLC DBA Salute Wine Market LLC.
111 North Loudoun Street, Winchester, VA 22601.
To be issued Direct Shipper License #8142933 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED
- j. Samay, Inc. DBA Five Corners Wine and Spirits.
192 Windorville Road, Ellington, CT 06029.
To be issued Direct Shipper License #8143033 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED

10. REQUESTS FOR CANCELLATION OF PERMITS:

- a. Rutz Cellars Inc., 3637 Frei Street, Sebastopol, CA.
Direct Shipper Permit #8015933.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - failure to file Direct Shipper reports for October 2008.
Recommendation: Cancellation of direct shipper permit for failure to file the reports for October, November, and December 2008, and January 2009 and failure to pay a \$100 Administrative Fine for not filing the October report by the 10th of November, 2008.
Date of violation: December 1, 2008.
Case #: 08-803-OF.
COMMISSION APPROVED
- b. Root's Cellars, 1401 Grove Street Unit E, Healdsburg, CA.
Direct Shipper Permit #8068933.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - failure to file Direct Shipper reports for October 2008.
Recommendation: Cancellation of direct shipper permit for failure to file the reports for October, November, and December 2008, and January 2009 and failure to pay a \$100 Administrative Fine for not filing the October report by the 10th of November, 2008.
Date of violation: December 1, 2008.
Case #: 08-808-OF.
COMMISSION APPROVED
- c. Marquee Selections, 3150 Mercier Street, Kansas City, MO.
Direct Shipper Permit #8033133.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - failure to file Direct Shipper report for November 2008.
Recommendation: Cancellation of direct shipper permit for failure to file the reports for November, and December 2008, and January 2009.
Date of violations: December 29, 2008.
Case #: 08-847-OF.
COMMISSION APPROVED

11. PETITIONS FOR COMMISSION APPROVAL:

None

12. COMMISSION DECISIONS PENDING:

- a. Haluwa Restaurant, 44 Gusabel Avenue, Nashua, NH.
Restaurant Full Service With Lounge License #416503.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: January 11, 2008.
Hearing date: February 25, 2008.
Commission Decision dated March 14, 2008: An Administrative fine of \$1,000, four (4) points assessed to the liquor license, and the license to sell alcoholic beverages suspended for three (3) consecutive days.
The Licensee filed a Motion for Re-hearing on April 8, 2008.
The Bureau of Enforcement filed an Objection to Motion for Re-hearing on May 6, 2008.
- b. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
Restaurant Full Service With Lounge License #1167803.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:50, II - did allow the premise to be used for any purpose that was contrary to law.
Date of violation: February 7, 2008.
Hearing date: April 23, 2008.
- c. C & K Restaurant, 3 East Broadway Street, Derry, NH.
Restaurant Beverage and Liquor License #256803.
Licensed under RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person during a compliance check.
Date of violation: May 30, 2008.
Hearing date: July 22, 2008.
- d. Hanson St. Grill, 19 Hanson Street, Rochester, NH.
Restaurant Full Service With Lounge License #1344303.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell alcoholic beverage to an underage person during a compliance check.
Cited for violation of RSA 179:35 - failed to make invoices, sales slips and delivery slips, current and covering a period of sixty (60) days prior to the current date pertaining to purchases of beverages and liquor on the premises or be readily available for examination by the Commission or its liquor investigators.
Date of violations: November 21, 2008.
Case #s: 08-791-OF and 08-793-OF.
Hearing date: February 17, 2009.

13. COMMISSION DECISIONS AFTER HEARING:

None

14. MISCELLANEOUS ITEMS:

None

15. EXECUTIVE SESSION ITEMS:

None